

Serial No. 09/739,844,  
September 4, 2009

## REMARKS

Claims 19, 21-24, 26-29, and 31-33 remain in the application for reconsideration.

Claims 19, 21-24, 26-29, and 31-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Atkinson (U.S. Pat. 5,511,122) in view of Chen et al. (U.S. Pat. 7,062,556).

Generally, the claims provide protocol gateway, an authenticator, a load balancer, and a router to route messages. The examiner contends that Atkinson shows all features except the load balancer, which comprises an important aspect of applicants' invention. To meet Atkinson's deficiency, the examiner, at page 4 of his comments, cites Chen et al. as an example contending that a "load balancer module to determine a historical record for a plurality of servers comprising a least recently used server supporting a protocol of a message source, and routing the message based on the determined least recently used server was well known in the art at the time of the present invention." Applicants believe, however, that the examiner overlooked or failed to consider the environment in which claimed load balancing occurs.

Claim 19, for example, previously recited load balancing relative to a protocol gateway *supporting a protocol of said source of said message*. Perhaps this was not clear in the claims, but the message router according to the present invention is intended to route message in an intelligent network, i.e., a network support multiple protocols where the recited *protocol gateway* encapsulates a fundamental network protocol which underlies each of the one or more network protocols, as described at page 6 and elsewhere of applicant's disclosure. To emphasize this feature, applicants amended independent claims 19, 24, and 29 to recite elements of the protocol gateway and the interaction of the message router therewith.

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Claim 19, for example, now provides (i) protocol gateways that include processors to encapsulate and transparently convey messages with a *plurality of message sources utilizing respective network protocols*, (ii) a load balancer module associated with said message router to determine a historical message transmission record for said plurality of protocol gateways, said transmission record comprising identification of a least recently used protocol gateway *supporting a protocol of said source of said message among said plurality of network protocols of message sources*; and (iii) a processor to route said message based on the said determined *least recently used protocol gateway for said source of said message that utilizes said supported protocol*. Patentably distinct features are shown in Italics.

Although Chen et al. disclose load balancing generally, they do not show such load balancing utilized in an intelligent network where load balancing is performed with respect to a particular supported protocol among a plurality of network protocols. In order to achieve this feature, the message router may record a history of network utilization for multiple protocols supported by each of the protocol gateways, and then make a determination of a least recently used supported protocol of each protocol gateway. For at least this reason, claim 19 defines over the combined teachings of Atkinson and Chen et al.

Similarly, claim 24 also defines over Atkinson and Chen et al. by reciting (i) providing a plurality of protocol gateways that include processors to encapsulate and transparently convey messages with a *plurality of message sources utilizing respective network protocols*, (ii) determining from said message router a historical record for said plurality of protocol gateways comprising a least recently used protocol gateway *supporting a particular protocol of said source of said message among said plurality of network protocols*; and (iii) routing said message based on the said determined least recently used protocol gateway *for said particular protocol*. Here, the determination of a least utilized protocol gateway is made relative to a particular protocol among a plurality of network protocols. For at least this reason, claim 24 defines over Atkinson and Chen et al.

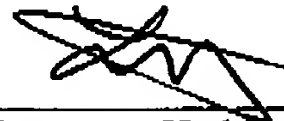
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Claim 29, as amended, also defines over the Atkinson and Chen et al. by reciting (i) a plurality of protocol gateways that include processors to encapsulate and transparently convey messages with a *plurality of message sources utilizing respective network protocols*; (ii) means for determining from said message router a historical record for a plurality of protocol gateways comprising a *least recently used protocol gateway supporting a particular protocol of said source of said message among said plurality of network protocols*; and (iii) means for routing said message based on said determined least recently used protocol gateway *for said particular protocol*. Here again, the invention of claim 29 defines over the cited art by determining a least used protocol gateway supporting a particular protocol among a plurality of network protocols.

Thus, one can view differences of the invention over the cite art by considering load balancing relative to message transfer activity for each of the network supported protocols rather than load balancing according to overall activity of the protocol gateways. In this situation, one particular protocol gateway may be near its full capacity but may nevertheless be selected for the message transfer because a particular protocol supported thereby is the least used.

Chen et al. do not reveal this feature. Accordingly, reconsideration is respectfully requested.

Respectfully submitted,



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